
Indiana Department of Transportation

2016 Title VI Goals & 2015

Accomplishments Report



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INDIANA DEPARTMENT OF TRANSPORTATION

2016 Title VI Goals & 2015 Accomplishments Report

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INDOT'S 2016 GOALS & 2015 ACCOMPLISHMENTS REPORT

This report should be read in light of INDOT's Annual Title VI Implementation Plan which outlines INDOT's Programs and Policies that it implements and adheres to ensure its Title VI Compliance. Part of those policies include annual program area reviews, including special emphasis program area reviews, which include data collection and analysis to identify and address disparate impacts, treatment, and discrimination if they are found to exist, training workshops, subrecipient compliance reviews, and INDOT's complaint policy.

INDOT's Title VI Program Year runs from October 1 thru September 30 annually and mirrors the Federal Fiscal Year.

This report identifies INDOT's accomplishments during the previous program year, in this case 2015, and establishes goals guided by and derived from data gathered in 2015 and previous years as well as agency input and input from FHWA. INDOT also welcomes public input on its selection of annual goals. Public input may be directed to INDOT's Title VI Program Manager at:

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The following sections identify INDOT's 2015 Accomplishments and 2016 Goals in light of the data reviewed for each area below:

- **Program Area Reviews**
 - Program Areas Included in the Title VI Program
 - Integrated (Cross-Division) Programs Included in the Title VI Program
 - Identification of Special Emphasis Program Areas
- **Subrecipient Compliance Monitoring**
 - Contract Compliance Monitoring
 - LPA / MPO Compliance Monitoring
 - University Compliance Monitoring
- **Title VI Training**
 - Internal Nondiscrimination & Accessibility Training
 - External Nondiscrimination & Accessibility Training
- **Title VI Complaints**

PROGRAM AREA REVIEWS

GENERAL SUMMARY

The 2014 annual assessment revealed that INDOT needed to focus on fostering communication between program management and continue informing and educating its internal personnel regarding their Title VI responsibilities and engage its interdisciplinary team more frequently to ensure INDOT is accurately documenting its Title VI compliance efforts. In addition, the program areas analyzed and included as liaisons needed to be evaluated and expanded to include more program areas and more integrated representation within the divisions. More data needs to be collected, analyzed and reported regarding nondiscrimination practices and agency-wide awareness of nondiscrimination requirements must be improved.

In addition to the 2014 INDOT annual assessment, the Federal Highway Administration (FHWA) conducted a compliance review of INDOT in 2014, made observations, and identified deficiencies and recommended actions for INDOT to address to achieve compliance.

FHWA COMPLIANCE REVIEW OF INDOT

The deficiencies observed by FHWA in 2014 were:

1. INDOT needs to transition the Internal Compliance Review Approach from a static questionnaire-based approach to an analytical Program Area Review Approach as required by [23 CFR 200.9\(a\)\(4\), \(b\)\(5\), \(b\)\(6\), \(b\)\(9\), & \(b\)\(13\)](#).
2. INDOT needs to develop and implement a Title VI Program risk-based subrecipient monitoring process and include the procedures in the INDOT Title VI Program Implementation Plan. The process should define:
 - How INDOT will prioritize annual subrecipient reviews to be conducted,
 - What form the reviews will take,
 - When to conduct onsite reviews,
 - What documentation will be required from subrecipients,
 - What metrics and parameters will determine compliance, and
 - How the reports will be distributed to subrecipients.

Coordination between INDOT divisions and program areas will be necessary to develop a compliant program. ([23 CFR 200.9 \(b\)\(7\)](#)).

3. INDOT needs to revise the current Title VI Program Implementation Plan to meet the requirements of 23 CFR part 200 and USDOT Order 1050.2A.

Anticipating the arrival of FHWA's compliance review results, INDOT undertook the following agency-wide goals in 2014-15 to prepare to address the deficiencies that would be identified in FHWA's report:

- Train as many INDOT employees as possible during the 2014-15 program year and develop an online training module that would provide a general overview of nondiscrimination requirements for INDOT employees.
- Train as many subrecipients as possible in nondiscrimination and accessibility requirements dividing the training sessions to make them audience-specific.
- Focus on the LPA division and develop a plan that would integrate the precertification survey results and compliance monitoring into the LPA funding decision and project management processes.
- Conduct compliance reviews of LPA subrecipients while continuing to conduct compliance reviews of contractors and consultants.
- Meet and communicate with existing Title VI liaisons to determine appropriate representation for each program area and to provide training and roundtable discussions throughout the year. In addition, these meetings move INDOT away from a static survey approach to internal compliance monitoring.

INDOT utilized a workbook to track meeting notes and progress for each task identified for each division in accomplishing these goals. A copy of this workbook can be found in **Appendix A**. Once INDOT received FHWA's compliance review report and deficiency notice (See **Appendix B**.)

In June, 2015, INDOT took additional steps to address the deficiencies defined therein. This process superseded the tasks and timeframes identified in the workbook as the voluntary compliance agreement (VCAP) had to be developed within ninety (90) days and took priority over scheduled tasks within that timeframe. INDOT's VCAP and related progress shall be considered a part of INDOT's accomplishment reporting during this program year.

These steps included expanding the program areas involved, including additional representation on program area teams by creating program area representatives, developing cross-division teams focused on workflow, and further defining what data needs to be collected and by whom, setting out specific tasks and ownership for each division. In addition, the LPA program area coordinated with the Title VI Program Manager to develop a policy for subrecipient monitoring that ties nondiscrimination and accessibility compliance to funding eligibility.

Accomplishments for 2014-15 are summarized below but are more fully reflected in the Title VI Program workbook (**Appendix A**) and INDOT's Voluntary Compliance Agreement (VCAP) with FHWA. Following the submission of the VCAP to FHWA, INDOT provided three (3) Thirty-day progress reports to FHWA

detailing how it had progressed during that timeframe in accomplishing its VCAP goals. The VCAP goals for each program area are included herein as 2015-16 program goals.

2014-15 SUMMARY OF ACCOMPLISHMENTS

The following is a summary of the accomplishments INDOT made in 2014-15 tied to the above FHWA and INDOT goals. For further information please review a copy of the tasks identified for each program area and the Program Workbook in **Appendix A**.

INDOT HAS REVISED ITS INTERNAL COMPLIANCE REVIEW APPROACH

INDOT has established a network of Title VI representatives within the agency in order to develop procedures for the collection of statistical data (race, color, religion, sex, national origin, etc.) of participants in, and beneficiaries of State highway programs, i.e., relocatees, impacted citizens and affected communities. [23 CFR 200.9 \(b\)\(4\)](#).

INDOT's Title VI Program Manager will continue to review INDOT's program areas to identify Liaisons as well as Program Area Representatives (PARs) who are subject matter experts and / or "front line" representatives in their work area. Those program areas already identified are included in [Appendix A](#). In so doing, INDOT will be able to ensure comprehensive Title VI program area representation and integration. This ensures that:

- Every INDOT facility with public access and every program area has a PAR to ensure nondiscrimination requirements are met, including the training of INDOT staff within the represented area.
- Title VI liaisons will coordinate with their PARs in each work area to ensure appropriate nondiscrimination data is collected and to analyze that data with the assistance of the Title VI Program Manager in order to determine what action the program area should take, if any, to improve nondiscrimination practices and to eliminate discrimination if necessary.
- Sufficient personnel are in place within the agency to accomplish annual work plans and to ensure nondiscrimination practices and policies are adhered to and fully integrated into INDOT operations.

Key program areas have already had teams established and tasks identified and assigned. Meeting minutes from each program area and / or district meeting are maintained by the Title VI Program Manager as compliance records.

INDOT HAS ADOPTED NEW SUBRECIPIENT MONITORING PROCEDURES

INDOT has developed and is now implementing a Title VI Program risk-based subrecipient monitoring process for all subrecipients, including LPAs, MPOs, contractors, consultants and Universities. The process defines:

- How INDOT will prioritize annual subrecipient reviews to be conducted,

- What form the reviews will take,
- When to conduct onsite reviews,
- What documentation will be required from subrecipients,
- What metrics and parameters will determine compliance, and
- How the reports will be distributed to subrecipients.

These subrecipient monitoring procedures are reflected in INDOT's 2015-16 Title VI Implementation Plan at <http://www.in.gov/indot/2751.htm> .

INDOT HAS REVISED ITS TITLE VI IMPLEMENTATION PLAN TO MEET REQUIREMENTS

The 2015-16 Title VI Implementation Plan meets requirements as it identifies INDOT's Title VI programs and policies, who has Title VI responsibilities at INDOT, what data and information needs to be collected, analyzed and reviewed and who is responsible for collecting, analyzing and reporting that data with specific tasks and timeframes. In addition, INDOT now separately reports its goals and accomplishments through its annual Goals & Accomplishments Report.

INDOT is committed to using this data to conduct disparate impact analysis and to determine what changes it should make to its practices and policies to address any discrimination it identifies. It demonstrates the state of compliance within INDOT and identifies what work remains to be done, how and by whom, thereby meeting the requirements of 23 CFR part 200 and USDOT Order 1050.2A.

INDOT HAS REVISED AND EXPANDED ITS NONDISCRIMINATION TRAINING PROGRAM

INDOT has already trained 132 INDOT employees during the 2014-15 program year and developed an online training module that would provide a general overview of nondiscrimination requirements for all INDOT employees. INDOT also identified PARs and liaisons for INDOT program areas to ensure employee training in each program area and facility occurs. PARs and Liaisons will have all received updated Title VI Training by the end of calendar year 2015.

INDOT trained 168 subrecipients in 2014-15 after revising the training materials and dividing the workshops to make them audience specific. INDOT also added two additional workshops to occur throughout the state in 2014-15 for a total of 8 workshops. In 2015-16 during the VCAP period, INDOT developed online training resources for subrecipients and is developing new resources for subrecipients to use as they develop their own policies and practices to address discrimination.

More specific information about INDOT's training materials and those who received training can be found below in the overview of INDOT's Title VI Policies, Practices & Procedures subsection on training. The general workshop training materials used during 2014-15 can also be found in **Appendix B**.

GENERAL PROGRAM AREA REVIEWS

Program areas are identified and selected for Title VI program participation when it is determined that direct or significantly related Title VI Implications exist or are likely to exist within the program area. All INDOT program areas will be periodically considered and evaluated for participation in the Title VI program. The evaluation will focus on whether or not Title VI implications exist in the program area and will include a periodic review of all State Agency Directives for Title VI implications. When a program is evaluated for participation, the Program Manager will also ensure all employees in that program area have received basic training on INDOT's nondiscrimination and accessibility policies and practices.

Following an initial review, a program area will either:

- Be tasked with ongoing annual data collection and reporting related to Title VI implications, or
- Be identified as a special emphasis program area based upon:
 - the level of risk within that program area,
 - an ongoing concern (such as a complaint investigation) or concern of a supervisory agency such as FHWA regarding the program area (23 CFR 200.9(b)(6), or

For more information on program area review practices and procedures, please see INDOT's Title VI Implementation Plan, discussion beginning on Page 23.

For 2014-15, Special Emphasis Program Areas were determined primarily as a result of the Compliance Review of INDOT conducted by FHWA and included:

- INDOT's LPA Division

For 2015-16, Special Emphasis Program Areas will include:

- INDOT's LPA Division
- INDOT's Research Division and its Subrecipient Universities

PROGRAM TASKS & ACCOMPLISHMENTS

In 2015-16 all program areas will be treated as "Initial" Program Areas pursuant to our Title VI Implementation Plan and reviewed as if it were their first time being a part of the program to ensure staff are appropriately trained and Title VI Implications properly understood. The 2015-16 goals will provide a "new" baseline for further determining what Title VI Implications exist and what additional data needs to be collected to further ensure compliance with Title VI moving forward.

GENERAL GOALS FOR ALL PROGRAM AREAS:

[Attend Annual Title VI Program Meeting](#)

Liaison

(TBD, **early 2016** following FHWA review of Annual Plan – *Pending FHWA review, INDOT did conduct a telephonic meeting with all liaisons but plans to conduct an additional meeting when FHWA has completed its review of INDOT's annual plan.*)

Conduct Quarterly Discussions of Nondiscrimination Issues Relevant to the Program Area (May occur as part of another program area meeting but should appear on the agenda)	Liaison	In Progress – All liaisons will have at least one meeting prior to January 1, 2016.
Receive Title VI Training	Liaison & PARs (if any)	Complete.
Report on Program Area Title VI Training Status for all Employees on or Before December 1, 2015	Liaison	Complete.
Coordinate a training schedule for program area employees needing training before December 10, 2015	Liaison	Complete.

Division-specific goals were identified as part of INDOT's VCAP with FHWA, thus significant progress is reflected in this updated Annual Report, even for INDOT's 2016 goals. Typically, only the 2016 goals will be reflected in the annual report.

DIVISION – SPECIFIC 2015-16 GOALS & PROGRESS DURING THE VCAP PERIOD

Legal Division –

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
Determine whether or not PARs are warranted in the legal division (e.g. Litigation, Prequalification & Billboards, Contracts, Policies, etc.)	Liaison	Completed: PARs are not warranted at this time.
Ensure updated nondiscrimination language (which must now include “Sexual Orientation, Gender Identity, and Religion” has been fully integrated into all INDOT form contracts & agreements.	Liaison	Completed.

Real Estate Division –

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
Determine what nondiscrimination data should be collected during the appraising, buying, and	Liaison & PARs	In progress. Data is already being collected in LRS for relocations. This process is being mirrored in the other program areas

condemnation processes and develop a mechanism in LRS to capture the data.		during the pending LRS update in 2016. Procedures for collecting the data (for Buyers to follow) are being developed.
Establish policies and procedures for the collection of the above nondiscrimination data into LRS	Liaison & PARs	In progress. The Title VI team for this division is discussing and troubleshooting the process INDOT will employ to collect this data and enter it into its database.
Evaluate how appraisers are selected for assignment and ensure no discrimination results from the practices employed.	Appraising PAR	In progress. Preliminary discussions about how to conduct an analysis of this process have been had with members of the Appraising and Professional Services Contracting teams.
Evaluate how buyers are selected for assignment and ensure no discrimination results from the practices employed.	Buying PAR	In progress. Preliminary discussions about how to conduct an analysis of this process have been had with members of the Buying and Professional Services Contracting teams.

The following report summarizes the information gathered by the Real Estate Division during the reporting period. It supports the tasks identified for 2015-16 identified above which reflect broader data gathering and analysis.

VI/ADA Reporting Information

Date: 09/02/2015 12:33:04PM

Dates: 10/01/2014 through 08/31/2015

The information is a count for each criterion below during the requested reporting period.

	Appraisers	APA Appraisers	Reviewer Appraisers	Field Check Reviewer
Appraisers:	561	488	591	26
DBE Appraisers:	13	12	65	0
MBE Appraisers:	66	32	116	0
WBE Appraisers:	0	0	0	0
Current number of Appraisers on the approved appraiser list:			123	
Current number of DBEs on the approved appraiser list:			11	
Current number of WBEs on the approved appraiser list:			9	
Current number of MBEs on the approved appraiser list:			3	
Condemnations:			54	
Relocations:			86	
Negotiations:			613	

The following information pertains to relocations.

	Sum of Count	Declined
Hispanics or Latinos	16	1
American Indian or Alaskan Natives	0	1
Asians	0	1
Blacks or African Americans	1	1
Native Hawaiians or Other Pacific Islanders	0	1
Whites	82	1
Females	42	1
Males	51	1
Multiracial or Other	10	1
Age Count <= 21	28	2
Age Count 22-40	31	2
Age Count 41-65	26	2
Age Count > 65	6	2

	Yes	No	N/A
Low Income	23	27	4
Limited English Proficiency	8	32	1
Disability	10	31	0

Displacee chose not to respond to request for information: 41

LPA/MPO Division – A Special Emphasis Program Area

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
Adopt & Implement Subrecipient Monitoring procedures outlined in the VCAP.	Liaison, PARs	Complete – Desk reviews are completed and the LPA division and EOD division have implemented the new procedures. Selection of at-risk review candidates is in progress.
Make any necessary modifications to these subrecipient monitoring procedures during the VCAP period	Liaison, PARs, Title VI Program Manager	Complete, Pending Changes – while implementation is complete, this will be the first round of reviews. Changes may need to be made.
Include Title VI Training as part of the ERC training	LPA Division Training PAR <i>(liaison if vacant)</i>	Complete – New LPA training coordinator has received Title VI training and Title VI Program Manager will provide training in Jan. 2016 then develop a process for passing the torch.

Contracts, Compliance & Prequalifications –

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
Determine what data needs to be collected for both construction and professional services contracts and how to capture that information for evaluation.	Liaisons, PARs	Complete. Liaisons and PARs are aware of what data needs to be collected. A form has been developed for construction certifications and professional services processes are being reviewed for collection options.
Determine how to best communicate our expectations to potential and current contractors / consultants regarding Title VI compliance.	Liaisons & Title VI Compliance Specialist / Program Manager	Ongoing. Information is being included at Pre-con meetings and a technical assistance tool was developed in September 2015.
Determine what changes, if any need to be made to division policies to improve Title VI compliance	Liaisons	Ongoing. Changes are being made at prequalification and to communication mechanisms.

Communications & Public Involvement –

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
Include Title VI / nondiscrimination considerations in the ongoing public policy manual revision	Liaison	Ongoing. The manual revision is not yet complete but Title VI is being included. This task will not be completed during the VCAP term and this was identified in the VCAP.
Evaluate whether or not a language line is necessary for INDOT and what further LEP studies should be conducted in 2016 and beyond.	Liaison	Ongoing. The liaison for this area is working on establishing a language line. The Program Manager has developed and deployed an LEP reporting form and has distributed “I Speak Cards” throughout the agency to continue INDOT’s LEP analysis. (See Exhibit G)
Develop and implement customer service policies and procedures that ensure discrimination does not occur and complaint and Title VI / ADA issues are properly channeled for resolution.	Customer Satisfaction Manager PAR	Ongoing. Program area representatives are ensuring communications staff are aware of INDOT’s complaint policies and LEP resources. The program manager plans to speak at the next quarterly peer group meeting. More public involvement surveys have been received in the fall of 2015 than the previous two years combined due to implementation of new practices to promote completion of the survey. This will produce valuable data for review in the upcoming plan year cycle.
Evaluate the level of compliance of INDOT’s website and identify policy and content changes required to make the website compliance with Title VI and ADA requirements. Accessibility determinations should be cross-referenced in the ADA Transition Plan.	Website PAR (liaison until filled)	This task will not commence until this vacancy has been filled. Status will be updated at the time. This task will not be completed during the VCAP term and this was identified in the VCAP.

Traffic: Engineering, Safety, Administration & Design -

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
Ensure copies of all APS studies are provided to the Title VI / ADA Program Manager	Liaison	Complete. It is now required that District Traffic Engineers provide the Program Manager with copies of all

APS studies.		
Revise APS form to allow for more room to explain denials	Liaison (until delegated)	Complete. A form revision was completed in September 2015.
Submit copies of all APS denials to the ADA Technical Advisory Committee for review to ensure adequate documentation & explanation.	Liaison (until delegated)	Complete. The TAC now receives copies of all APS denials. Manager training was conducted in November.
Determine whether or not any data needs to be collected and analyzed for Title VI compliance	Liaison, PARs	Ongoing. This will depend on information received during the course of the 2015-16 implementation plan year.

Research & University Subrecipient Monitoring - A Special Emphasis Program Area

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
Participate in and facilitate a compliance review of Purdue University – this VCAP task is to <i>initiate</i> , but not complete, a review of Purdue during the VCAP period.	Liaison	In progress. Purdue has been mailed a document request letter a notice of compliance review. They have until January 13, 2015 to respond. Title VI compliance was discussed at the JTRP board meeting 11/4/15 and the Program Manager has visited Purdue and met with JTRP program staff to develop an understanding of how subrecipient selection and monitoring currently works.
Evaluate the selection of research institutions for projects for discrimination and to determine how subrecipients will be selected for compliance reviews	Liaison, Title VI Compliance Specialist, Title VI Program Manager	Ongoing. See above. INDOT is primarily responsible for selection, but as the actual contracts are with Purdue, the JTRP program staff would be responsible for subrecipient monitoring.

Talent Management & Human Resources –

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
Develop a workshop and / or guide that explains the distinctions and interrelations of Title VI and Title VII	Human Resources PAR, Liaison & Title VI Program Manager	Pending. With the departure of our human resources PAR, the liaison is meeting with program area staff to determine how to proceed with this workshop.
Ensure INDOT University is administered in a nondiscriminatory fashion.	Liaison	Ongoing. The liaison is meeting with the division staff to discuss how it will monitor INDOT university for compliance.

Operations & Maintenance (includes Facilities & Fleet) -

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
Evaluate maintenance practices & policies for potential discrimination.	Liaison	Complete.
Ensure subcontracting process is non discriminatory.	Liaison, jointly with Contracts Division Professional Services Liaison.	Ongoing. Working with contracts division staff to determine how to capture data from professional services contractors.

Design -

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
Ensure design standards as currently employed do not result in discrimination and adopt remediation measures if necessary	Liaison, PARs	Ongoing. Standards will be ready for committee review in January 2016 and operations memos were developed to ensure compliance in design.
Improve awareness of Environmental Justice considerations in design.	Liaison, PARs, Title VI Program Manager	Ongoing. The team was trained in October 2015 and “Taking EJ out of the box” was part of that training and subsequent discussion.
Identify additional tasks in the program area for 2016.	Liaison, PARs, Title VI Program Manager	Ongoing. The liaison will address Title VI during division and team meetings and additional tasks will be added as necessary.

Environmental (includes Scoping & Planning)-

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
Determine a record keeping process for all EJ determinations & improve EJ data collection & analysis	Liaison	Complete. This division discussed the various ways we could keep the records and determined that the best possible solution was to create a Milestones Work Product entry. Milestones is a database that INDOT-ESD utilizes to track various work products such as Noise Studies, NEPA documents, etc. INDOT-ESD will track projects that required an EJ analysis through this database by Milestones entry. With this, INDOT-ESD will be able to provide data as needed.
Copy the Title VI Program Manager on all EJ analysis and include the same on meeting invitations to discuss EJ issues.	Liaison	Complete. Program Manager is receiving copies of all EJ analysis.
Expand the awareness and analysis of Environmental Justice issues beyond the NEPA process and into the scoping and planning stages of a project and ensure EJ awareness and monitoring continues through the entirety of each project	Liaison, PARs	Complete (and Ongoing). EJ is being included in other division's trainings and a November 2015 "brown bag" with the environmental division further emphasized this importance.

District Offices -

District offices do not have district specific tasks identified in the VCAP. Teams have been identified and trainings have now occurred for all districts Title VI team members. The general tasks for all program areas will be applied to the Districts to ensure sufficient implementation of Title VI Requirements.

INTEGRATED PROGRAMS COMPLIANCE SUMMARY

Integrated Program accomplishment discussions are appropriate for related requirements that fall under the Title VI “umbrella”. These integrated program discussions include:

- Environmental Justice
- Limited English Proficiency
- Accessibility Programs
- Public Involvement

ENVIRONMENTAL JUSTICE

There were 506 projects that were analyzed during this time period for Environmental Justice Analysis. Below is a table representing the level of analysis conducted for projects during the reporting period.

NEPA Documents	Total Projects	No EJ Analysis	Analysis, No EJ Populations	Analysis, EJ Populations, No Disproportionately High and Adverse Impact	Analysis, EJ Populations, Impact Minimized/Avoided	Analysis, EJ Populations, Impact Mitigation
PCE	222	222	N/A	N/A	N/A	N/A
CE-1	180	180	N/A	N/A	N/A	N/A
CE-2	48	17	13	18	0	0
CE-3	14	4	8	2	0	0
CE-4	38	15	8	15	0	0
EA	5	0	3	0	1	1

The types of NEPA documents are more involved as the table descends, thus more analysis is required for each type of report. For PCE and CE-1 reports, no analysis is required as there is no EJ population. At the CE-2 level, there may be an EJ population, but no disproportionate impacts were identified. Only

one project during the reporting period had an in depth analysis that identified an EJ population. That project was able to minimize and mitigate the EJ impacts.

In 2015 INDOT's Environmental Justice Program Area team has been expanded to include membership from the Planning and scoping areas. In addition, Environmental Justice has been a topic during other program area meetings, such as the real estate division, with the goal of broadening the awareness and consideration of environmental justice issues beyond the NEPA process. Moving forward the Title VI Program Manager will also receive copies of all EJ analysis and is already participating in EJ discussion on specific projects to ensure compliance.

LIMITED ENGLISH PROFICIENCY

INDOT received no requests for language services in 2014-15. INDOT also identified no additional individuals willing to provide language services via its language questionnaires in 2014-15. INDOT has trained many of its front-line individuals (those who answer phones, staff customer service areas, and sit at reception desks) in tracking and responding to requests for language services. This training will be completed in 2015 and INDOT will be able to ensure any requests it does receive are tracked so that INDOT can regularly conduct its four factor analysis of LEP needs.

ACCESSIBILITY PROGRAMS

In 2015 INDOT updated its ADA Transition Plan, which for the first time included an inventory of its ADA assets, a prioritization schedule for the remediation of those assets, and a budget for the same. Over 60 employees at INDOT from many divisions were involved in completing the ADA asset inventory and prioritization schedule. 7500+ intersections were included in the inventory with 5 million dollars budgeted for ADA remediation starting in 2016. The ADA Transition Plan was submitted to FHWA in June, 2015 and will be posted online and made publically available once approved.

INDOT is currently putting together its program management team for the creation of projects based upon its prioritization schedule and for maintaining its inventory and ensuring it becomes and remains an accurate record for planning and prioritization purposes.

PUBLIC INVOLVEMENT

The number of public involvement surveys received for 2014-15 was 21, primarily from utility coordination training sessions, and reflected the following:

<u>CATEGORY</u>	<u>REPRESENTATION</u>
-----------------	-----------------------

Gender:	18 male (86%) 3 female (14%)
Ethnicity:	0 Hispanic or Latino (0%) 21 Not Hispanic or Latino (100%)
Race:	1 Black or African American (5%) 20 White (95%)
Age:	11 aged 22-40 (52%) 9 aged 41-65 (43%) 1 aged 65+ (5%)
Disability:	0 represented that they had a disability (0%)
Income:	1 did not respond (5%) 1 represented the income level of \$36,001-\$48,000 (5%) 1 represented the income level of \$24,001-\$36,000 (5%) 18 represented an income level at or above \$60,001 (85%)

The total number of public meetings and/or hearings held since 10/1/14 is 41.

Public Meetings – are meetings held at INDOT’s discretion for any reason and at any time.

Public Hearings – are held during the project development phase and specifically during the NEPA process when the environmental document is being prepared. The hearing must be held before the NEPA document and decision finalized and approved. Also a formal public hearings transcript is required and becomes part of public record.

Project Meetings:

Public Meetings/hearings Dates and total number	Description of Project
<p>October 2014</p> <p>Fort Wayne District Office 10/15/14 (Allen Co)</p> <p>LaPorte District Office 10/16/14 (LaPorte Co)</p> <p>IGCS Conference Room 5 Indianapolis 10/17/14 (Marion Co)</p> <p>Crawfordsville District (Ivy Tech Crawfordsville) 10/22/14 (Montgomery Co)</p> <p>Greenfield District Office 10/23/14 (Hancock Co)</p> <p>Vincennes District Office 10/30/14 (Knox Co)</p> <p>Genesis Center in Gary, Indiana 10/30/14 (Lake Co)</p>	<ul style="list-style-type: none"> ▪ Storm Water Quality Management Plan meetings to discuss development and implementation of a storm water program under the IDEM implementation of federal storm water rules ▪ INDOT legislative Hearing to discuss proposed rule amendment for roadside signage and visibility requirements ▪ INDOT public hearing regarding Tier 1 Draft Environmental Impact Statement to evaluate passenger rail improvements for the Chicago to Detroit/Pontiac Corridor (partnering Michigan and Illinois DOTs) ▪ I-69 Development Partners and INDOT hold a public open house to meeting with residents for Section 5 (Bloomington to Martinsville) of the I-69 project

<p>Holiday Inn at Kinser Pike in Bloomington 10/29/14 (Monroe Co)</p> <p>Total number of meetings for October is 8</p>	
<p>November 2014</p> <p>Seymour District Office 11/6/14 (Jackson Co)</p> <p>West Lafayette, Indiana 11/19/14 (Tippecanoe Co)</p> <p>Total number of meetings is 2</p>	<ul style="list-style-type: none"> ▪ Storm Water Quality Management Plan meetings to discuss development and implementation of a storm water program under the IDEM implementation of federal storm water rules ▪ Public hearing to regarding proposed US 52 Bridge replacement over the Wabash River east of SR 443

<p>December 2014</p> <p>Jeffersonville, Indiana 12/8/14 (Clark Co)</p> <p>Poland, Indiana 12/9/14 (Clay Co)</p> <p>Goshen, Indiana 12/16/14 (Elkhart Co)</p> <p>3 meetings held in December</p>	<ul style="list-style-type: none"> ▪ Joint public hearing (INDOT / IFA) regarding electronic tolling for Ohio River Bridges / new bridge / East end and Downtown crossing ▪ Public hearing regarding proposed SR 42 Bridge rehabilitation over the Eel River ▪ Public meeting to discuss US 33 Corridor project in Goshen (Northern Connector Project)

Public meetings/hearings	Description of Project
<p>January 2015</p> <p>Wadesville, Indiana 1/7/15 (Vanderburgh Co)</p> <p>Dale, Indiana 1/22/15 (Spencer Co)</p> <p>Bowling Green, Indiana 1/29/15 (Clay Co)</p>	<ul style="list-style-type: none"> ▪ Public hearing regarding proposed intersection improvement at SR 66 and Rexing Road ▪ Public hearing regarding proposed intersection improvement at US 231 and SR 62 near Dale ▪ Public meeting regarding SR 46 Bridge replacement and proposed relocation project

<p>Total number of meetings is 3</p>	
<p>February 2015</p> <p>South Whitley, Indiana 2/5/2015 (Whitley Co)</p> <p>Tipton County Foundation 2/11/15 (Tipton Co)</p> <p>Cannelton, Indiana 2/26/15 (Perry Co)</p> <p>Total number of meetings is 3</p>	<ul style="list-style-type: none"> ▪ Public hearing regarding SR 5 Bridge rehabilitation over Eel River in South Whitley ▪ Public hearing regarding proposed new interchange on US 31 at SR 28 in Tipton County ▪ Public meeting to discuss proposed improvements to Bob Cummings Lincoln Trail Bridge (SR 237)
<p>March 2015</p> <p>Ivy Tech in Sellersburg, Indiana 3/12/15</p> <p>City of Fishers Auditorium 3/19/15 (Hamilton Co)</p> <p>Fort Wayne District Office 3/24/15 (Allen Co)</p>	<ul style="list-style-type: none"> ▪ Public hearing regarding added travel lanes project in Clark County ▪ Public hearing regarding I-69 Added travel lanes with interchange modification in Fishers ▪ Public meeting regarding STIP (INDOT 4 year listing of projects) to be entered into construction program ▪ Public meeting regarding US 31 Hamilton County Corridor project ▪ Joint public hearing INDOT and IFA regarding Preferred Provider to deliver electronic tolling systems for Ohio River Bridges East and Downtown

Westfield Middle School 3/25/15 (Hamilton Co)	Crossings
Jeffersonville, Indiana 3/26/15 (Clark Co)	<ul style="list-style-type: none"> Public meeting regarding STIP (INDOT 4 year listing of projects) to be entered into construction program
Vincennes District Office 3/31/15 (Knox Co)	
Total number of meetings held is 6	

Additional Meetings:

April 2015

4/7/15 Seymour District Office regarding Public meeting regarding STIP (INDOT 4 year listing of projects) to be entered into construction program

4/9/15 LaPorte District Office public meeting regarding STIP (INDOT 4 year listing of projects) to be entered into construction program

4/14/15 Greenfield District Office public meeting regarding STIP (INDOT 4 year listing of projects) to be entered into construction program

4/16/15 Crawfordsville District (Ivy Tech Crawfordsville) public meeting regarding STIP (INDOT 4 year listing of projects) to be entered into construction program

4/27/15 Lafayette, Indiana public meeting regarding I-65 Added Travel lanes project with noise wall construction (Tippecanoe Co)

4/30/15 Dale, Indiana public hearing regarding intersection improvement at US 231 and SR 62 near Dale, IN (Spencer Co)

May 2015

5/11/15 public hearing regarding SR 75 pavement replacement project in Town of Advance in Boone Co

5/18/15 Public meeting regarding I-69 Section 6 (Martinsville to Indy) in Morgan Co

5/19/15 Public meeting regarding I-69 Section 6 (Martinsville to Indy) Johnson Co

June 2015

6/4/15 Seymour District Office public meeting regarding Rumble Striping safety enhancement treatment (Jackson Co)

6/17/15 Public hearing regarding road reconstruction on Old Salem Road in Clark County

July 2015

7/23/15 Public Meeting regarding Ohio River Bridges East End Crossing SR 265 / SR 62 new interchange (Clark Co)

7/28/15 Public hearing regarding US 36 Bridge rehabilitation over Wabash River in Montezuma (Vermillion Co)

August 2015

8/5/15 Public hearing regarding SR 59 bridge replacement over Eel River and proposed relocation in Clay Co

8/13/15 Public meeting regarding US 20 at Waverly Road intersection improvement in Town of Porter, Porter Co

September 2015

9/2/15 Public hearing regarding US 52 proposed road reconstruction in Lafayette, Tippecanoe Co

9/10/15 Public Hearing regarding proposed new interchange construction at I-69 and 106th Street in Fishers / Hamilton Co

All legal notices of open houses, public meetings and hearings contained a statement that materials are available in an alternative format upon request. Additionally, all legal notices included information advising the public how to make a request for a reasonable accommodation.

SPECIAL EMPHASIS PROGRAM AREAS

Additional information is included in this report to demonstrate the additional work accomplished and goals identified for INDOT's Special Emphasis Program Areas. Since the LPA division was a special emphasis area in at least one prior year, both goals and accomplishments will be reflected as part of this discussion. The research division is a new special emphasis program area identified during the VCAP period and will not include an in-depth discussion of accomplishments, but rather focus on the goals and objectives for the program year.

Special Emphasis Program Areas will, in addition to the above tasks identified:

- Work with the program manager to develop a targeted annual action plan that addresses the objectives identified for the program area in light of the Title VI Implications that make this program area an area of special emphasis. These would include:
 - Conducting disparate impact and / or disparate treatment analysis
 - Reviewing and potentially revising policies and procedures that may result in discriminatory outcomes, and
 - Addressing trends or patterns of discrimination identified during a review of the program area.
- Identify and train sufficient PARs to accomplish the tasks identified in the action plan
- Work with attorneys and / or investigators, who, in addition to the Program Manager, may review policies, practices, data, or other documents to determine whether or not discrimination has occurred, or is likely to occur as a result of the program area and adopt and implement mitigation procedures designed to remedy and address all identified issues.

The goal of identifying special emphasis program areas is to ensure sufficient monitoring of high-risk programs and progress tracking for areas where there exists a material deficiency, disparate impact or treatment, or discriminatory practice that requires resolution and reporting.

LPA DIVISION ACTION PLAN & ACCOMPLISHMENTS

The LPA division received division-specific Title VI Training and met on several occasions to discuss, develop and implement new subrecipient monitoring procedures to ensure compliance with Title VI requirements. These meetings resulted in the development of new subrecipient monitoring procedures included in the 2015-16 Title VI Implementation Plan. In addition, a toolkit was developed to assist subrecipients with their compliance efforts and additional targeted training and outreach opportunities were identified. This information is reflected in the training summary portion of this report.

In 2016 the LPA division will:

- Follow the newly implemented procedures, making modifications as necessary
- Collect and report information gathered as a result of the new procedures
- Provide technical assistance to subrecipients working to enhance their compliance efforts

- Work with a newly embedded Title VI Specialist to coordinate compliance efforts
- Conduct at least four (4) risk-based compliance reviews of subrecipients identified with input from the districts, program area staff, and FHWA.

RESEARCH DIVISION ACTION PLAN

The Research Division program team received training in 2015. Remaining staff will be trained in 2016. The Title VI Program Manager conducted several telephone conferences with Research division staff, JTRP (Joint Transportation Research Program) Staff, and other Purdue representatives during the VCAP period and attended a JTRP board meeting to discuss Title VI compliance, provide training, and initiate a compliance review of Purdue University.

In 2016 the Research Division will:

- Assist the Title VI Program Manager with its compliance review of Purdue University
- Ensure all employees have received Title VI training
- Participate in a review of its subrecipient selection procedures

SUBRECIPIENT COMPLIANCE MONITORING

INDOT reviewed more than 200 subrecipients as of September 1, 2015. Of those, 16 were contractors / consultants, and the remainder were LPAs. Twenty (20) of those LPAs were reviewed as part of a joint compliance review with FHWA primarily examining ADA compliance. The remaining LPAs have had a preliminary compliance review conducted based upon their precertification survey responses for both Title VI and ADA compliance. All precertification surveys were desk reviewed in 2015. A compliance review of Purdue University is underway and was initiated in October 2015.

The following are the results of the 2014-15 subrecipient compliance reviews to date:

CONTRACTOR COMPLIANCE REVIEWS:

Of the sixteen (16) contractors reviewed by the end of September, all were able to come into compliance during the review period with the exception of one subrecipient who removed themselves from the project. Common deficiencies initially observed during reviews and / or discussed during training continue to be Title VI training for the subrecipient and further subrecipients, workforce utilization reports, and the inclusion of the Title VI assurances in all subcontracts. In addition to these compliance reviews, many contractors brought their Title VI materials to the training workshops for discussion and received input on areas for improvement during those sessions.

LPA COMPLIANCE REVIEWS:

298 LPA annual precertification surveys had been received as of September 1, 2015. Of those, over 200 have been reviewed to determine the level of LPA compliance. Common deficiencies include failure to include Title VI information on the LPAs website or make it otherwise publically available and failure to develop a Title VI implementation plan. At least 58 of the 200 LPAs reviewed have failed to complete a Title VI implementation plan based upon our initial review of the survey results

On the upside, most LPAs now have a nondiscrimination policy, grievance procedure and complaint log, and ADA Transition Plan. Based upon the preliminary results, most of the LPAs reviewed will receive a deficiency notice for deficiencies in one or more program areas. Lack of Title VI Implementation Plans are the most common deficiency in 2015.

Pursuant to INDOT's new subrecipient compliance monitoring policy found in INDOT's Title VI Implementation Plan, noncompliant subrecipients will be required to sign a commitment letter with INDOT to resolve their deficiencies in order to apply for additional new funding opportunities via INDOT.

INDOT plans to follow the new procedures implemented, which include conducting at least four (4) risk-based compliance reviews in 2016.

TITLE VI TRAINING

INDOT scheduled eight (8) audience-specific nondiscrimination and accessibility training sessions during 2014-15. During each of these training sessions, a separate workshop is held for contractors and consultants, LPAs & MPOs, and INDOT employees.

INDOT also held thirteen (13) program-area specific workshops for INDOT employees in the following program areas: LPA division, Contracts, Environmental, Appraising, Buying, Operations & Maintenance, Legal, Construction, and the Economic Opportunity Division (who piloted an online training module developed for INDOT staff).

The following numbers of individuals received nondiscrimination and accessibility training in 2014-15:

INDOT Employees:	145
INDOT Subrecipients:	
LPAs / MPOs:	151
Contractors :	148

In 2016 it is INDOT's goal to train all of its employees not trained since 2014 in Title VI compliance. This training may be in person during a peer group meeting, conference, or other learning opportunity or may occur through use of INDOT's online employee training module.

INDOT plans to hold seven (7) Title VI training sessions in 2016 as follows (specific dates will be posted online at <http://www.in.gov/indot/2751.htm> when they are scheduled):

LaPorte District: April 2016

Seymour District: May 2016
Crawfordsville District: July 2016
Fort Wayne District: September 2016
Vincennes District: October 2016
Indianapolis: November 2016

In addition, an all day Title VI Summit for Indiana Communities has been scheduled for March 18, 2016 and will include both a presentation and a workshop for Title VI Implementation Plans and policies at the local level. This replaces the training session held in the Greenfield District in 2015.

COMPLAINTS OF DISCRIMINATION

INDOT has a compliant policy for complaints of discrimination related to Title VI and will promptly investigate all properly submitted complaints of alleged discrimination. This policy can be found in **Appendix C.** INDOT will also attempt to resolve such complaints and take corrective action upon a finding of a substantiated complaint. Within 60 days of receiving a complete complaint, INDOT will submit its final investigative report to FHWA. INDOT's complaint process provides a procedure for appeal of all unsubstantiated claims of discrimination. INDOT maintains a complaint log for three (3) years of all complaints received.

SUMMARY OF COMPLAINT ACTIVITY IN 2014-15:

INDOT received one complaint during the reporting period. This complaint is not against INDOT directly, but INDOT is responsible for investigating the complaint. The average case age before closure for each complaint or inquiry received has historically been nine days.